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**FILED**

22 JAC  
FEB 16 2011

SECRETARY, BOARD OF  
OIL, GAS & MINING

**BEFORE THE BOARD OF OIL, GAS AND MINING  
DEPARTMENT OF NATURAL RESOURCES  
STATE OF UTAH**

UTAH CHAPTER OF THE SIERRA CLUB,  
et al, Petitioners,

vs.

UTAH DIVISION OF OIL, GAS & MINING,  
Respondents,

ALTON COAL DEVELOPMENT, LLC, and  
KANE COUNTY, UTAH

Respondent/Intervenors.

**JOINDER OF KANE COUNTY, UTAH IN  
ALTON COAL DEVELOPMENT, LLC'S  
MOTION TO POSTPONE**

Docket No. 2009-019


Cause No. C/025/0005

ORAL ARGUMENT REQUESTED

Intervenor Kane County, Utah, through its attorney hereby joins Alton Coal Development, LLC's ("**Alton's**") in its motion to the Utah Board of Oil, Gas and Mining ("**Board**") to postpone any hearing on the *Petition for an Award of Costs and Expenses including Reasonable Attorney's Fees* (the "**Fee Petition**") filed by the Utah Chapter of the Sierra Club, Southern Utah Wilderness Alliance, Natural Resources Defense Council, and National Park Conservation Association (collectively, "**Petitioners**"). Kane County agrees with and adopts the legal arguments set forth in Alton's Motion To Postpone submitted to the Board.

Kane County also requests that the Board defer its hearing on the matter of the Petition for Fees until such time as the Utah Supreme Court rules on Petitioners' pending appeal.

SUBMITTED this 26<sup>th</sup> day of January, 2011.



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**ROBERT VAN DYKE**  
**DEPUTY KANE COUNTY ATTORNEY**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 26<sup>th</sup> day of January, 2011, I e-mailed a true and correct pdf copy of the foregoing **MOTION TO POSTPONE** to the following:

Stephen Bloch, Esq. ([steve@suwa.org](mailto:steve@suwa.org) )  
Tiffany Bartz, Esq. ([tiffany@suwa.org](mailto:tiffany@suwa.org) )  
Southern Utah Wilderness Alliance

Walton Morris, Esq. ([wmorris@charlottesville.net](mailto:wmorris@charlottesville.net) )  
Sharon Buccino, Esq. ([sbuccino@nrdc.org](mailto:sbuccino@nrdc.org) )  
Natural Resources Defense Council

Michael S. Johnson, Esq. ([mikejohnson@utah.gov](mailto:mikejohnson@utah.gov) )  
Assistant Attorney General

Steven F. Alder, Esq. ([stevealder@utah.gov](mailto:stevealder@utah.gov) )  
Frederic Donaldson, Esq. ([freddonaldson@utah.gov](mailto:freddonaldson@utah.gov) )

Denise A Dragoo, Esq. ([ddragoo@swlaw.com](mailto:ddragoo@swlaw.com) )  
James P. Allen, Esq. ([jpallen@swlaw.com](mailto:jpallen@swlaw.com) )

  
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### **CERTIFICATE OF MAILING**

I hereby certify that, on this 13<sup>th</sup> day of February 2011, I sent by first-class mail, postage-prepaid, the original of the above Joinder of Kane County, Utah in Alton Coal Development's Motion to Postpone to the following:

Julie Ann Carter  
Utah Board of Oil, Gas and Mining  
1594 West North Temple, Ste. 1210  
Salt Lake City, UT 84114

